

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

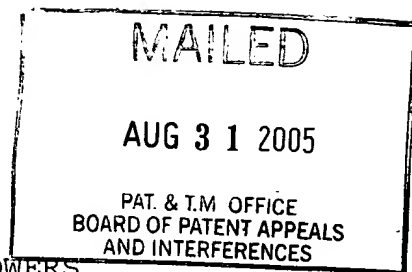
Ex parte ROBERT D. KLUSER and WARREN L. POWERS

Application No. 09/841,402

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 3, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On July 7, 2003, appellants filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner fully considered the IDS submitted (i.e., "GB 2119579") or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.




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Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consideration of the GB 2119579 reference listed in the Information Disclosure Statement filed July 7, 2003 by either initialing or crossing out of the reference; 2) appropriate written notification by the examiner to appellants of such consideration; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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